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S E C R E T SECTION 01 OF 04 DHAKA 001201

SIPDIS

DEPT FOR D, P, SCA, AND CA FROM AMBASSADOR MORIARTY

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SUBJECT: THE SAO PROCESS IS BROKEN: LET'S FIX IT

Classified By: Ambassador James F. Moriarty, for reasons 1.4(b) and (d)

SUMMARY

¶1. (U) The Security Advisory Opinion (SAO) process is broken and is damaging both U.S.-Bangladesh relations and presumably those in other vital Muslim-majority nations as well. Whether the visa applicant is a parent seeking to rejoin a child, a valued Embassy contact or employee heading for training, or a Government official traveling for high-level meetings, lengthy and unpredictable processing delays embarrass the U.S. government and stymie our efforts to advance our goals. While SAOs are an important security tool, long delays reinforce the widely-held impression that applicants named "Muhammad" will not be approved and that America is a fortress rather than a country with "Open Doors, Secure Borders."

¶2. (S) Reducing the number of visa horror stories would go a long way toward increasing goodwill for the United States and securing Bangladesh support against terrorism. Dhaka appreciates VO/L/C's efforts to relay SAO responses as expeditiously as possible, as well as VO's interest in improving the efficiency and speed of the clearance process. Still, the examples below clearly illustrate the need to devote additional resources to the clearance process. We also must think outside the box for other ways to expedite the SAO process while ensuring it remains an effective security tool. One idea worth examining is an Ambassadorial waiver for visa applicants who are well known to the Embassy. Another would be to set a time limit for SAO decisions. We also need to revisit the criteria for submitting an applicant to an SAO. Still, from the field, the failure of many Washington agencies to adequately fund their portions of the SAO clearance process suggests a mindset where a visa not issued is a potential terrorist denied entrance to the U.S. Rather, Washington agencies need to recognize that every visa applicant not issued to an eligible applicant creates ill-will towards the U.S. that ripples through society. I include some concrete suggestions for improving the process at the end of the cable.

COMPLAINTS ABOUT IMMIGRANT VISA SAO DELAYS

¶3. (SBU) Some figures illustrate the extent of the SAO problem. On September 30, Dhaka had 52 immigrant visa cases with SAOs pending with no response for one year or more. The Immigrant Visa unit had 48 SAOs pending with no response for between six months to one year, and 71 SAOs pending with no response for between three to six months. In one recent case, an applicant who applied as a U.S.

citizen's parent, Ms. Amina Begum (DOB 24-Aug-1934, DHK 2006743002), waited for one year while her SAO cleared, prompting numerous inquiries from her family in the U.S. This is not an isolated situation; over 20 percent of Dhaka's Congressional and other public inquiries involve administrative processing for immigrant visas.

¶4. (SBU) Even worse, some applicants get caught by repeat SAO requests. In these cases, even after receiving a response we need to clear a new hit entered while the first SAO was pending. Almost 20 percent of our immigrant visa cases require two or more SAOs, adding additional time to the visa process and work for us. For example, DHK 1994654103 (Mohammed Siddique, DOB 16-Feb-1957) provides an Dhaka submitted nine SAOs for Mr. Mohammed Zaman (DHK 1993700015, DOB 18-Feb-1945) between May 2005 and November 2008, before we could issue a visa to this brother of an American citizen.

FROM TRAGIC TO EMBARRASSING: NONIMMIGRANT VISA SAO DELAYS

¶5. (U) The figures for nonimmigrant visas are similarly depressing. At the end of September 2008, one nonimmigrant visa SAO had been pending with no response for four years; four were pending with no response for 2-4 years; 100 were pending with no response for 1-2 years, and 21 pending from six months to one year. 109 were pending from three to six months.

¶6. (C) At student outreach events, prospective students

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always ask if it is true that applicants named "Mohammed," with beards or who wear traditional dress can qualify for visas. Many Bangladeshis share the impression that being named "Mohammed" is a disadvantage when applying for a visa. The fact that many people share a few surnames -- Islam, Chowdhury and Hossain, for example -- complicates matters further. Senior Bangladeshi officials buttonhole Embassy staff members at events on the diplomatic circuit about their own or their acquaintances' negative visa experiences, often due to visa processing delays. Applicants approved for USG-funded training frequently have to wait months for SAO approval or miss their training altogether. Despite our best efforts to encourage applicants to plan ahead, there will always be opportunities that come up on short notice.

NIV CLEARANCES AND THE TRAVELING PUBLIC

¶7. (SBU) Clearance delays can have tragic consequences for Dhaka's applicants. The (former) Vice Chancellor of Darul Ihsan University, Mr. Syed Ali Naqi (DOB 02-Jan-1941, PPT Number Z0072294) died while waiting for his SAO to clear.

He had applied to renew his visa so he could visit his daughter. Dhaka sent an SAO on June 2, 2008, and received a no objection response on October 22, 2008. When we called his family to request his passport for issuance, we learned that he passed away on September 28, 2008.

CLEARANCE TIMES AFFECT EMBASSY CONTACTS AND THEIR ASSOCIATES

¶8. (SBU) Embassy contacts do not always receive visas in time to accomplish their purpose of travel. Dhaka's Public Affairs Section invited journalist Mr. Mohammed Abu Yusuf (DOB 20-AUG-73, PPT Number R0796615, aka Sumon Kaiser, to participate in a short-notice State Department-funded program for media professionals on the U.S. elections. We wanted to highlight the transformational nature of our then-upcoming elections as Bangladesh prepared for its own. Dhaka

sent an SAO on October 16, the day he interviewed, but PAS had to select an alternate to travel in his place because as of October 23, his case remained pending. We received the response November 18th.

¶9. (SBU) An Embassy contact, Dr. Zarina Rahman Khan (DOB 29-Apr-1951, PPT Number C0173603), a Professor at Dhaka University, applied for a visa to attend a wedding in the U.S. in early November. Dhaka submitted her SAO on September 2, 2008 but as of November 10, 2008, her response was still pending. A Defense Attache Office (DAO) contact, Dr. Hafizur Rahman, (DOB 08-Jun-1964, PPT Number Q0788499) applied for an NIV on July 8, 2007. On August 25, 2008, Dhaka received a positive SAO response, but when Dr. Rahman brought his passport in for issuance, he needed another SAO because of a new hit, and that second SAO was still pending as of November 10, 2008. This delay damaged the DAO's relationship with the contact.

GOVERNMENT OF BANGLADESH OFFICIALS MISS IMPORTANT EVENTS

¶10. (SBU) A number of Government of Bangladesh officials have been unable to travel to the U.S. due to pending SAO clearances. Like in the USG, Bangladeshi officials often travel on very short notice. Even expedited clearance responses arrive just in the nick of time or too late. The Chief of Protocol, Brigadier General Abu Sayeed Khan, almost did not receive his clearance in time to accompany the Chief Advisor to the United Nations General Assembly. Dhaka sent the clearance request on September 3, 2008 and received a response on September 18, 2008, after repeated interventions with Washington, including by the Ambassador.

¶11. (SBU) Bangladesh lost a U.S.-funded training opportunity when Major General Md. Rafiqul Islam (DOB 25-Jul-1956, PPT Number D0010065) cancelled his attendance at a U.S.-funded course at the Asia-Pacific Center in August 2007 because Dhaka did not receive his SAO clearance before the course started. Dhaka sent his SAO on August 5, 2007, and received a

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response on September 14, 2007. The Army Chief of Staff cited this example in his first meeting with the then Charge d'Affaires ad interim, noting the strain this had caused in our military-military relations. General Islam subsequently led his country's relief efforts when Cyclone Sidr devastated Bangladesh in late 2007, leaving thousands dead, 8.2 million without shelter and 2.3 billion USD in damage. He was a key partner of U.S. military forces.

¶12. (SBU) In another case, in 2006, then-Army Director of Operations Brigadier General Golan Mohammad (DOB 12-May-1954, PPT Number W0238629) missed a planned trip to United Nations Headquarters to discuss peacekeeping issues. Dhaka sent an SAO on July 23, 2006, and received a response on August 7, 2007. Brigadier General Mohammad was later promoted to Director General of Forces Intelligence, the head of the premier GOB intelligence agency. Although he later received a visa, he certainly remembers this incident. Major General Anwar Hussain (DOB 1-Jan-1960, Ppt D0010258) missed an interview at UN Headquarters on June 26th, 2008, the day his clearance returned. Dhaka submitted the SAO on June 17, 2008. He missed an interview at the U.N. for a senior peacekeeping job, harming our efforts to convince Bangladesh to send peacekeepers to U.N. missions.

¶13. (SBU) The Ministry of Foreign Affairs recently requested an update regarding the application of Dr. Md. Faruque Quasem (DOB 06-Mar-1961, PPT Number Z0578478), an Assistant Professor employed by the Ministry of Health. Mr. Quasem did not receive a visa in time to attend a September seminar on medical issues where he planned to present a paper; his SAO has been pending since June 11,

12008.

U.S. EMBASSY DHAKA FSNs MISS COURSES

114. (SBU) Clearance delays affect U.S. Embassy Dhaka locally engaged staff (LES) as well. In 2007, two USAID employees did not receive visas in time to attend training, Md. Mustafizur Rahman (DOB 01-FEB-1965, PPT Number W0367332) applied at the end of January 2007 but did not receive his visa in time to attend a training session that began April 16. Abdul Hafiz Khan applied in June 2007 and received his SAO clearance on October 31, 2008, three months after the training. In addition, U.S. Embassy Dhaka GSO employee Shaikh Abdullah Mahmud Hasan (DOB 23-Jan-1959, PPT Number W0757399) applied in March 2007. Dhaka sent two SAOs for Mr. Hasan. After Post rescheduled his training four times, this GSO LES finally attended training in December 2007. Embassy Dhaka operations suffered as a result of these delays, particularly as we look at personnel cuts and transferring tasks to LES.

Opportunities Lost

115. (C) I suspect most missions in Moslem-majority countries could come up with similar horror stories about the SAO process. What does it matter? I would reply that every eligible visa applicant who does not receive an appropriate visa in a timely fashion is an opportunity lost. Instead of learning about the United States and what it stands for, the frustrated applicant joins a legion of Moslems who are convinced that the United States, both its people and its government, are implacably anti-Moslem. They in turn poison the thoughts of all whom they contact. Just this weekend, the Vice Chancellor of a major university in Dhaka told a large education seminar here that America does not want Moslem students. Shockingly, this Vice Chancellor is one of the good guys: he personally likes and admires the United States and has insisted that his university adopt a U.S.-style curriculum. Even more shockingly, statistics lend some credence to his assertion: In a country of 150 million people, where higher education is in English and there is enough money to add 21,000 new vehicles to the streets of Dhaka every month, this mission issued only 538 visas to Bangladeshis students last year. The difficulties and humiliations associated with the SAO process drive this sorry state of affairs.

Time for a Re-think

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116. (C) This post receives invaluable support from VO/L/C on many individual cases and appreciates the hard work that has gone into getting many clearances on short notice. In recent months, VO has worked overtime to get us SAO clearances on a wide variety of senior officials, including the Home Secretary and Finance Advisor. Still, absent a fundamental overhaul of the SAO process, thousands of Bangladeshis and Moslems from other countries will not benefit from the most effective tool we have to win hearts and minds: travel to, and first-hand experience of, the United States. (Note: A recent poll by INR indicates that Bangladeshis who are familiar with the United States are more than 40 percent more willing to countenance counter-terrorism cooperation with the U.S. than those who are not. End note.)

Addressing the Problem: Resources and Flexibility

117. (C) Washington continues to tell those of us in the field that the primary cause for SAO clearance delays is simply

a lack of resources. Other than the State Department, agencies responsible for SAO clearances have apparently put insufficient resources into supporting the program. Currently, the United States is spending scores of billions of dollars every year in Iraq and Afghanistan, and scores of millions of dollars every year to reach out to Moslem audiences around the world. It thus appears to make no sense at all to fail to find the relatively paltry resources that would be needed to make the SAO process function much more effectively.

¶18. (S) In addition to additional resources, we need to examine how to improve the SAO system while keeping it an effective security tool. If consistent with the law, an Ambassadorial waiver, perhaps akin to the visa referral process now in place, is worth examining. I also think SAOs should be resolved within a specific period of time unless a written request is made to extend deliberation on a particular application. We also need to look at the criteria used for requiring SAOs; I suspect they could be fine-tuned to reduce the number of people caught up in the process without harming U.S. security. I know my frustrations with the SAO process are shared by many Chiefs of Mission. The time has come to work collaboratively to fix the system.
Moriarty